

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:

**Bankruptcy Case
No. 08-35653-KRH**

CIRCUIT CITY STORES, INC., et al.,

Chapter 11 (Jointly administered)

Debtors.

**RESPONSE TO THE LIQUIDATING TRUST'S FOURTEENTH OMNIBUS
OBJECTION TO CLAIMS (REDUCTION OF CERTAIN PARTIALLY INVALID
CLAIMS, RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS,
DISALLOWANCE OF CERTAIN INVALID CLAIMS, DISALLOWANCE OF
CERTAIN LATE FILED CLAIMS, DISALLOWANCE OF CERTAIN DUPLICATE
CLAIMS, AND DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

CC Grand Junction Investors 1998, L.L.C., a Delaware limited liability company ("CC Grand"), appears before the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division ("Bankruptcy Court"), in response to the Liquidating Trust's fourteenth omnibus objection to claims (reduction of certain partially invalid claims, reclassification of certain misclassified claims, disallowance of certain invalid claims, disallowance of certain late filed claims, disallowance of certain duplicate claims, and disallowance of certain amended claims) (collectively, "the Objection"). The Objection was filed in the Bankruptcy Court on February 27, 2011 as Docket Number 10052. In response to the Objection, CC Grand states as

Paul K. Campsen, Esq. (VSB No. 18133)
Kaufman & Canoles, a professional corporation
150 West Main Street (23510)
Post Office Box 3037
Norfolk, VA 23514
Tele: (757) 624-3000
Fax: (757) 624-3169

Debra Piazza, Esq.
Montgomery Little & Soran PC
5445 DTC Pkwy. Suite 800
Greenwood Village, CO 80111
Tele: (303) 773-8100
Fax: (303) 220-0412
Counsel for CC Grand Junction Investors 1998, L.L.C.

follows:

1. In the Objection, the Liquidating Trust objects to CC Grand's claim on the basis that it is duplicative of other claims. CC Grand filed claim number 12334 on April 22, 2009 in the amount of \$596,787.35. Under the proposed Order claim number 12334 is reduced by \$8,282.44 of post-petition taxes and \$1,718.83 of stub rent as duplicative of claim 13168. CC Grand does not seek to be paid twice, but does object to any further reduction of its claim.

2. Claim number 13168 does not represent an independent proof of claim filed by CC Grand, but rather represents a portion of the relief sought in the Motion of CC Grand Junction Investors 1998, L.L.C. For Payment Of Administrative Expense Claim (the "Administrative Expense Motion") filed as Docket Number 3273. The Administrative Expense Motion was resolved confidentially. Therefore, CC Grand does not object to the reduction of claim number 12334 by any duplicative amounts, so long as the terms of the confidential resolution are honored. CC Grand's consent to the disallowance of any amounts which are duplicative does not have, and should not be construed to have, the effect of negating its total claim in the amount of \$596,787.35, less any amounts already paid.

3. The Objection further states that claim number 12334 should be reduced by \$25,700.59 with the following basis: "Pursuant to the Debtors' books and records, the general unsecured portion of the claim should be reduced by \$25,700.59 of overstated prepetition rent." (Objection Ex. C).

4. The Objection provides insufficient information for CC Grand to respond to this proposed reduction. The amounts claimed are appropriate components of the rent as stated in the lease.

5. CC Grand opposes the Objection only to the extent that it seeks to reduce the total

value of CC Grand's claim.

WHEREFORE, CC Grand Junction Investors 1998, L.L.C., a Delaware limited liability company, prays that claim number 12334 be allowed in the amount of \$596,787.35 (less any amounts already paid and including administrative priority as part of the parties' confidential resolution), that the Objection be overruled to the extent it seeks to disallow or further reduce this claim, and for such other and further relief as appropriate.

Dated: April 7, 2011

**CC GRAND JUNCTION
INVESTORS 1998, L.L.C.**

By: /s/ Paul K. Campsen
Of Counsel

Paul K. Campsen, Esq. (VSB No. 18133)
Kaufman & Canoles, a professional corporation
150 West Main Street, Suite 2100 (23510)
Post Office Box 3037
Norfolk, VA 23514
Tele: (757) 624-3000
Fax: (757) 624-3169

Debra Piazza, Esq.
Montgomery Little & Soran PC
5445 DTC Pkwy. Suite 800
Greenwood Village, CO 80111
Tele: (303) 773-8100
Fax: (303) 220-0412

CERTIFICATE OF SERVICE

I certify that on this 7th day of April, 2011, a true copy of the foregoing pleading was served electronically upon all parties receiving notice via ECF and via electronic mail and U.S. Mail to the following counsel for the Liquidating Trust:

Jeffrey N. Pomerantz, Esq.

Andrew W. Caine, Esq.

PACHULSKI STANG ZIEHL & JONES LLP

10100 Santa Monica Boulevard

Los Angeles, CA 90067-4100

E-mail: jpomerantz@pszjlaw.com

acaine@pszjlaw.com

Lynn L. Tavenner, Esq.

Paula S. Beran, Esq.

TAVENNER & BERAN, PLC

20 North Eight Street, 2nd Floor

Richmond, VA 23219

E-mail: ltavenner@tb-lawfirm.com

pberan@tb-lawfirm.com

/s/ Paul K. Campsen